

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W. R. GRACE & CO., <u>et al.</u> , <sup>1</sup>	)	Case No. 01-01139 (JKF)
	)	Jointly Administered
Debtors.	)	

**NOTICE OF AGENDA OF MATTERS  
SCHEDULED FOR HEARING ON JANUARY 26, 2004  
AT 12:00 P.M. BEFORE THE HONORABLE JUDITH K. FITZGERALD**

**CONTINUED MATTERS**

1. Motion of Neutrocrete Products, Inc. ("Movant") for Relief from Stay Under Section 362 of the Bankruptcy Code (Docket No. 4691)

**Related Documents:**

- a. [Proposed] Order for Relief From Automatic Stay (Docket No. 4691)

**Response Deadline:** January 9, 2004 at 4:00 p.m.

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<sup>1</sup> The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

**Responses Received:**

- a. Debtors' Response to Motion of Neutrocrete Products, Inc. for Relief from Stay Under Section 362 of the Bankruptcy Code (Docket No. TBD)

**Status:** The parties request that this matter be continued to the omnibus hearing on March 22, 2004 at 12:00 p.m.

**UNCONTESTED MATTERS**

- 2. Motion of Debtors for Limited Waiver of Del.Bankr.LR 3007-1 for the Purpose of Streamlining Objections to Certain Claims Filed Pursuant to the Bar Date Order (Docket No. 4853)

**Related Documents:**

- a. [Proposed] Order Granting Limited Waiver of Del.Bankr.LR 3007-1 for the Purpose of Streamlining Objections to Certain Claims Filed Pursuant to the Bar Date Order (Docket No. 4853)

**Response Deadline:** January 9, 2004 at 4:00 p.m.

**Responses Received:**

- a. Objection of the Official Committee of Asbestos Property Damage Claimants to Motion of Debtors for Limited Waiver of Del. Bankr. LR 3007-1 for Purposes of Streamlining Objections to Asbestos Property Damage Claims (Docket No. 4908)
- b. Debtors' Motion for Leave to File Debtors' Reply to the Property Damage Committee's Objection to Debtors' Motion for Limited Waiver of Del.Bankr.LR 3007-1 for the Purpose of Streamlining Objections to Certain Claims Filed Pursuant to the Bar Date Order (Docket No. TBD)
  - i. Debtors' Reply to the Property Damage Committee's Objection to Debtors' Motion for Limited Waiver of Del.Bankr.LR 3007-1 for the Purpose of Streamlining Objections to Certain Claims Filed Pursuant to the Bar Date Order (Docket No. TBD)

**Status:** This matter will be going forward.

3. Motion for Entry of an Order Authorizing the Debtors to Settle Massachusetts Corporate Excise Tax Refund Claim (Docket No. 4856)

**Related Documents:**

- a. [Proposed] Order Authorizing the Debtors to Settle Massachusetts Corporate Excise Tax Refund Claim (Docket No. 4856)
- b. Certification of No Objection Regarding Docket No. 4856 (Docket No. 4946)

**Response Deadline:** January 9, 2004 at 4:00 p.m.

**Responses Received:** None as of the date of this Notice of Agenda.

**Status:** A certificate of no objection has been filed.

4. Debtors' Motion for an Order Authorizing the Debtors to Amend (i) the Credit Agreement with Advanced Refining Technologies LLC to Extend the Term and Increase the Credit Line Thereunder, (ii) the Restrictive Covenants of Debtors' Post-Petition Loan and Security Agreement to Permit Loans to Advanced Refining Technologies Under the Increased Credit Line (Docket No. 4857)

**Related Documents:**

- a. [Proposed] Order Authorizing the Debtors to Amend (i) the Credit Agreement with Advanced Refining Technologies LLC to Extend the Term and Increase the Credit Line Thereunder, (ii) the Restrictive Covenants of Debtors' Post-Petition Loan and Security Agreement to Permit Loans to Advanced Refining Technologies Under the Increased Credit Line (Docket No. 4857)
- b. Certification of No Objection Regarding Docket No. 4857 (Docket No. 4947)

**Response Deadline:** January 9, 2004 at 4:00 p.m.

**Responses Received:** None as of the date of this Notice of Agenda.

**Status:** A certificate of no objection has been filed.

5. Debtors' Motion for an Order Authorizing the Restructuring of Stock and Debt Interests in Certain Foreign Subsidiaries (Docket No. 4858)

**Related Documents:**

- a. [Proposed] Order Authorizing the Restructuring of Stock and Debt Interests in Certain Foreign Subsidiaries (Docket No. 4858)

**Response Deadline:** January 9, 2004 at 4:00 p.m. (*Extended for the Creditors' Committee pending further discussions*)

**Responses Received:** None as of the date of this Notice of Agenda.

**Status:** This matter will be going forward.

**CONTESTED MATTERS**

6. Motion of Caterpillar Financial Services Corporation to Compel Payment of Administrative Expenses and for Relief from the Automatic Stay or in the Alternative for Adequate Protection (Docket No. 3009)

**Related Documents:**

- a. [Proposed] Order regarding Docket No. 3009 (Docket No. 3009)

**Response Deadline:** Extended through December 22, 2003 at 4:00 p.m. for the Debtors

**Responses Received:**

- a. Debtors' Objection to the Motion of Caterpillar Financial Services Corporation to Compel Payment of Administrative Expenses and for Relief from Automatic Stay or in the Alternative for Adequate Protection (Docket No. 4907)

**Status:** This matter will be going forward.

7. Motion of Yessenia Rodriguez and Carlos Nieves Relief From the Stay Provided By 11 U.S.C. §362 of the Bankruptcy Code (Docket No. 3707)

**Related Documents:**

- a. [Proposed] Order (Docket No. 3707)

**Response Deadline:** May 11, 2003 at 4:00 p.m. (*Extended until July 11, 2003 at 4:00 p.m.*)

**Responses Received:**

- a. Debtor's Objection to Yessenia Rodriguez's and Carlos Nieves' Motion to Lift Automatic Stay (Docket No. 4046)

**Status:** This matter will be going forward.

- 8. Motion of Oldcastle APG Northeast, Inc. D/B/A Foster-Southeastern for Relief from Stay Under Section 362 of the Bankruptcy Code (Docket No. 4458)

**Related Documents:**

- a. [Proposed] Order Granting Motion of Oldcastle APG Northeast, Inc. D/B/A Foster-Southeastern for Relief from Stay Under Section 362 of the Bankruptcy Code (Docket No. 4458)

**Response Deadline:** October 10, 2003 at 4:00 p.m.

**Responses Received:**

- a. Debtors' Objection to Oldcastle's APG Northeast, Inc. D/B/A Foster-South Eastern Motion for Relief from Stay Under Section 362 of the Bankruptcy Code (Docket No. 4570)

**Status:** This matter will be going forward.

- 9. Motion to Compel *[filed by: Wesconn Co., Inc. and FUS, Inc.]* (Docket No. 4577)

**Related Documents:**

- a. [Proposed] Order (Docket No. 4577)

**Response Deadline:** October 31, 2003 at 4:00 p.m.

**Responses Received:**

- a. Debtors' Objection to Wesconn Co., Inc.'s and FUS, Inc.'s Motion to Compel (Docket No. 4645)

**Status:** This matter will be going forward.

10. Royal Indemnity Company's Motion for Leave to File a Late Proof of Claim (Docket No. 4667)

**Related Documents:**

- a. [Proposed] Order Granting Royal Indemnity Company's Motion for Leave to File a Late Proof of Claim (Docket No. 4667)
- b. Debtors' Brief Outlining the Application of the "Excusable Neglect Standard" to Mistakes of Law Regarding Royal's Motion to File a Late Proof of Claim (Docket No. 4901)

**Response Deadline:** November 26, 2003 at 4:00 p.m.

**Responses Received:**

- a. Debtors' Objection to Royal Indemnity Company's Motion for Leave to File a Late Proof of Claim (Docket No. 4749)
- b. Objection of the Official Committee of Asbestos Property Damage Claimants to Royal Indemnity Company's Motion for Leave to File a Late Proof of Claim (Docket No. 4757)
- c. Objection of Carol Gerard, et al. to Royal Indemnity Company's Motion for Leave to File a Late Proof of Claim (Docket No. 4758)
- d. Joinder of the Official Committee of Asbestos Claimants in the Debtors' Objection to Royal Indemnity Company's Motion for Leave to File Late Proof of Claim (Docket No. 4760)
- e. Royal Indemnity Company's Reply to Objections (D.I. 4749, 4757, 4758, 4760) and in Further Support of Royal's Motion for Leave to File a Late Proof of Claim (D.I. 4667) (Docket No. 4788)

**Status:** The Court heard argument on this matter at the December 15, 2003 hearing. At such hearing the Court invited counsel for the Debtors to brief the issue of whether a mistake of law is treated differently than a mistake of fact when considering excusable neglect. The Debtors have briefed this issue. This matter will be going forward.

11. Debtors' Motion Requesting an Order (i) Finding Counsel for Gerard in Contempt of Court and (ii) Staying Certain Proceedings Pending Appeal (Docket No. 4859)

**Related Documents:**

- a. [Proposed] Order Finding Counsel for Gerard in Contempt of Court and (ii) Staying Certain Proceedings Pending Appeal (Docket No. 4859)
- b. [Signed] Order Dismissing Motion Without Prejudice (Docket No. 4932)

**Response Deadline:** January 9, 2003 at 4:00 p.m.

**Responses Received:**

- a. Joinder in W. R. Grace's Motion Requesting an Order Finding Counsel for Gerard in Contempt of Court (Docket No. 4915)
- b. Response of Continental Casualty Company to the Debtors' Motion Requesting an Order (i) Finding Counsel for Gerard in Contempt of court and (ii) Staying Certain Proceedings Pending Appeal (Docket No. 4918 and Adv. Pro. No. 01-771, Docket No. 182).
- c. Opposition of Libby Counsel to Debtors' Motion Requesting an Order (i) Finding Counsel for Gerard in Contempt of court and (ii) Staying Certain Proceedings Pending Appeal (Docket No. 4913)

**Status:** The Court entered an order dismissing the motion without prejudice to the motion being filed in Adv. Pro. No. 01-771. The Debtors re-filed the motion in Adv. Pro. No. 01-771 and will proceed on that motion at the February 23, 2004 hearing.

**OMNIBUS CLAIM OBJECTIONS**

12. Debtors' First Omnibus Objection to Claims (Substantive) (Docket No. 4088)

**Related Documents:**

- a. Declaration of David B. Siegel in Support of Debtors' First Omnibus Objection to Claims (Substantive) (Docket No. 4105)

**Response Deadline:** August 8, 2003 at 4:00 p.m.

**Responses Received:**

- a. Letter Response of Pipeline Services Inc. (Docket No. TBD)

**Status:** The Court has previously entered an order resolving the claim objections included in the Debtors' First Omnibus Objection to Claims, with the exception of the claim of Pipeline Services Inc. This objection as to the Pipeline Services claim will go forward.

13. Debtors' Second Omnibus Objection to Claims (Non-Substantive) (Docket No. 4089)

**Related Documents:**

- a. Declaration of David B. Siegel in Support of Debtors' First Omnibus Objection To Claims (Non-Substantive) (Docket No. 4106)

**Response Deadline:** August 8, 2003 at 4:00 p.m.

**Responses Received:** None.

**Status:** With the exception of the claims of the Estate of Rosario Rapisardi which will go forward, all other objections have been resolved.



**STATUS**

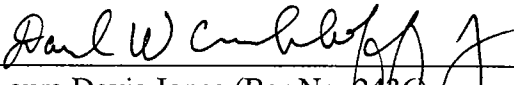
14. Status of ZAI Litigation.

Dated: January 16, 2004

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